

FILED

MAR 24 2010

**BEFORE THE BOARD OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH**

**SECRETARY, BOARD OF
OIL, GAS & MINING**

UTAH CHAPTER OF THE SIERRA CLUB, et al., Petitioners, DIVISION OF OIL, GAS AND MINING, Respondent, and ALTON COAL DEVELOPMENT, LLC, and KANE COUNTY, UTAH, Intervenors-Respondents.	STIPULATION Docket No. 2009-019 Cause No. C/025/0005
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STIPULATION OF STANDING

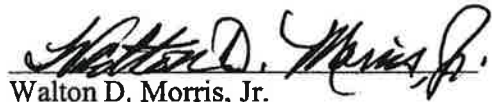
The Utah Division of Oil, Gas & Mining, Alton Coal Development, LLC, Kane County Utah, and the Utah Chapter of the Sierra Club on behalf of all Petitioners herein, enter into this STIPULATION OF STANDING under the following terms and conditions:

1. By the signatures of their counsel of record in the above-captioned matter, respondent Utah Division of Oil, Gas & Mining and intervenor-respondents Alton Coal Development LLC and Kane County, Utah admit and agree that Petitioners Utah Chapter of the Sierra Club, Southern Utah Wilderness Alliance, Natural Resources Defense Council, and National Parks Conservation Association have standing under Utah Code § 40-10-14(3) and Utah Admin. Code R645-100-200 and R645-300-210 to request a hearing on the reasons for the Division's decision.
2. The parties agree that the facts set forth in the declarations of Roberta (Bobbi) Bryant and Ray Bloxham (attached as Exhibits 1 and 2) if offered as testimony at the hearing and not contradicted by other evidence, would be sufficient to establish standing in this proceeding.
3. All parties agree that the attached declarations may be offered and become, subject to the Board's approval, part of the hearing record, but solely for the purpose of establishing Petitioners' standing in this proceeding.
4. Petitioners will not produce any other evidence of standing to the Board, but will rely solely upon this stipulation with its Exhibits 1 and 2 to be conclusive of facts necessary to establish standing under the laws applicable to this proceeding.

5. None of the Respondents will produce any evidence to the Board that is proffered for the sole purpose of contradicting any of the facts necessary to establish standing under the laws applicable to this proceeding, nor will any of the Respondents use any other evidence for the purpose of opposing Petitioners' standing.

6. No party will use the Declarations attached as Exhibits 1 and 2 hereto on any issue other than Petitioners' standing in this proceeding.

Dated this 23rd day of March, 2010.



Walton D. Morris, Jr.
Counsel for Utah Chapter of the Sierra Club, et al.
Petitioners



Steven F. Alder
Assistant Attorney General
Counsel for the Utah Division of Oil, Gas & Mining
Respondent



Denise A. Dragoo
Counsel for Alton Coal Development, LLC
Intervenor-Respondent



William L. Bernard
Counsel for Kane County, Utah
Intervenor-Respondent

**BEFORE THE BOARD OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH**

<p>UTAH CHAPTER OF THE SIERRA CLUB, et al.,</p> <p>Petitioners,</p> <p>DIVISION OF OIL, GAS AND MINING,</p> <p>Respondent, and</p> <p>ALTON COAL DEVELOPMENT, LLC, and KANE COUNTY, UTAH,</p> <p>Intervenors-Respondents.</p>	<p style="text-align:center">STIPULATION</p> <p>Docket No. 2009-019 Cause No. C/025/0005</p>
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1. By the signatures of their counsel of record in the above-captioned matter, respondent Utah Division of Oil, Gas & Mining and intervenor-respondents Alton Coal Development LLC and Kane County, Utah admit and agree that Petitioners Utah Chapter of the Sierra Club, Southern Utah Wilderness Alliance, Natural Resources Defense Council, and National Parks Conservation Association have standing under Utah Code § 40-10-14(3) and Utah Admin. Code R645-100-200 and R645-300-210 to request a hearing on the reasons for the Division's decision.
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4. Petitioners will not produce any other evidence of standing to the Board, but will rely solely upon this stipulation with its Exhibits 1 and 2 to be conclusive of facts necessary to establish standing under the laws applicable to this proceeding.

EXHIBIT 1

**BEFORE THE BOARD OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH**

UTAH CHAPTER OF THE SIERRA CLUB,
et al.,

Petitioners,

Docket No. 2009-019
Cause No. C/025/0005

DIVISION OF OIL, GAS AND MINING,

Respondent, and

ALTON COAL DEVELOPMENT, LLC, and
KANE COUNTY, UTAH,

Intervenors-Respondents.

DECLARATION OF ROBERTA BRYANT

I, Roberta (Bobbi) Bryant, am of over twenty-one years of age, of sound mind, capable of making this declaration, and I am personally acquainted with the facts herein stated. If sworn as a witness, I could testify to the facts and opinions stated in this declaration. I declare under penalty of perjury that the following is true and correct.

1. I am a member of the Southern Utah Wilderness Alliance (SUWA), the Sierra Club, and the Natural Resources Defense Council.
2. I am a member of each of these organizations because, among other things, I believe and expect that each of them will participate fully and effectively in the permitting process of the approved Utah program under the Surface Mining Control and Reclamation Act (SMCRA) and will, if necessary, bring legal action on my behalf to ensure that coal mining and related operations in the Coal Hollow area comply strictly with the environmental protection requirements of SMCRA and the Utah state program and thus do not pollute streams in the area or otherwise damage the beautiful landscapes and places that I enjoy.
3. I depend upon strict enforcement of SMCRA, either through the Utah program or, should it become necessary, through a federal program promulgated and implemented to remedy Utah's failure to implement, enforce, or maintain the Utah program, to protect Coal Hollow and the areas where I live, own property, and recreate, from pollution of air and water resources in the Coal Hollow area or unreclaimed destruction of surface lands and water there caused by coal mining and related operations.

21. I am very concerned that a steady stream of noisy and polluting truck traffic would decrease the number of tourists who choose to stop and enjoy the town's shops, including my own.
22. Currently, when a truck passes my shop on Main Street, it is so loud inside that I have to stop talking with my customers.
23. With increased truck traffic, my conversations with customers will be impacted and the business at my shop could suffer.
24. Also, complaints of truck traffic noise decreased the number of guests and the length of their stays in the studio apartment I used as overflow lodging, making the venture unprofitable.
25. Additional truck traffic from the coal mine would ruin my hopes of ever re-opening the room for lodging.
26. I enjoy Panguitch's clean air and good drinking water.
27. I am concerned that the coal mine and associated truck traffic on Highway 89 will pollute our air and water.
28. I take great pleasure in Panguitch's summer festivals, including the Pioneer Day Parade, the annual Quilt Walk, and the Hot Air Balloon Festival.
29. During these festivals, Main Street is closed to traffic, and, along with tourists and citizens of Panguitch, I enjoy live music, parades, shopping, and a sense of community.
30. I am concerned that increased truck traffic on Highway 89 will harm my enjoyment of these festivals or possibly require the cancellation of these community events.
31. Together with Vince, I own a ranch located off of Highway 89, on the Sevier River.
32. Vince and I raise churro sheep on our 100-acre ranch.
33. Our ranch is approximately nine miles south of Panguitch on Highway 89, and two miles south of Highway 12, the Scenic Byway that leads to Bryce Canyon.
34. Our ranch is located right next to Cottonwood Meadows Lodge, which is a building that Vince and I restored and recently sold.
35. Before selling Cottonwood Meadows Lodge, Vince and I operated a fly fishing business out of one of the buildings.

50. Coal Hollow sits in a gorgeous valley and I like to visit the area to appreciate the natural beauty and quiet.

51. I enjoy the potential to see sage grouse on the lands within and surrounding the proposed mine site.

52. I have seen countless mule deer and elk on the lands surrounding Panguitch and the proposed Coal Hollow mine site.

53. If inadequately regulated mining were to occur at Coal Hollow, my recreational and aesthetic enjoyment of these lands and the region would be directly affected and irreparably harmed.

54. The sights, noises, and dust that would accompany the construction and operation of the proposed mine would directly impair my opportunities for wildlife viewing, including viewing sage grouse, mule deer, and elk, as well as sightseeing and enjoying the beauty of this area.

55. I am concerned that the increased truck traffic accompanying the mining operations would result in more numerous accidents and collisions with mule deer and elk on Highway 89, which could detrimentally affect the raptors such as bald and golden eagles that eat the carcasses.

56. Depending on the weather, rate of snow melt, and condition of State Route 136, I will visit the proposed mine site as soon as possible, and certainly by this summer.

Pursuant to Utah Code § 78B-5-705, I declare under penalty of perjury, that the foregoing is true and correct.

Signed on this 22 day of March, 2010, in Panguitch, Utah.

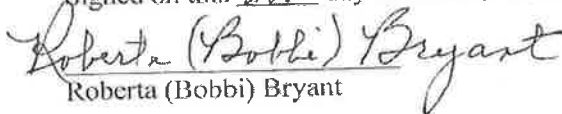

Roberta (Bobbi) Bryant

EXHIBIT 2

**BEFORE THE BOARD OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH**

UTAH CHAPTER OF THE SIERRA CLUB,
et al.,

Petitioners,

Docket No. 2009-019
Cause No. C/025/0005

DIVISION OF OIL, GAS AND MINING,

Respondent, and

ALTON COAL DEVELOPMENT, LLC, and
KANE COUNTY, UTAH,

Intervenors-Respondents.

DECLARATION OF RAY BLOXHAM

I, Ray Bloxham, am of over twenty-one years of age, of sound mind, capable of making this declaration, and I am personally acquainted with the facts herein stated. If sworn as a witness, I could testify to the facts and opinions stated in this declaration. I declare under penalty of perjury that the following is true and correct.

1. I am a member of the Southern Utah Wilderness Alliance (SUWA), the Sierra Club, the Natural Resources Defense Council, and the National Parks Conservation Association.
2. I am a member of each of these organizations because, among other things, I believe and expect that each of them will participate fully and effectively in the permitting process of the approved Utah program under the Surface Mining Control and Reclamation Act (SMCRA) and will, if necessary, bring legal action on my behalf to ensure that coal mining and related operations in the Coal Hollow area comply strictly with the environmental protection requirements of SMCRA and the Utah state program and thus do not pollute streams in the area or otherwise damage the beautiful landscapes that I enjoy viewing there.
3. I depend upon strict enforcement of SMCRA, either through the Utah program or, should it become necessary, through a federal program promulgated and implemented to remedy Utah's failure to implement, enforce, or maintain the Utah program, to protect Coal Hollow from pollution of air and water resources in the Coal Hollow area or unreclaimed destruction of surface lands there caused by coal mining and related operations.

4. I am currently employed as the Field Inventory Specialist for SUWA.
5. I have been employed in this position since 1999.
6. This position requires me to spend considerable time on the ground in southern Utah reviewing, assessing, and evaluating lands for a variety of resource issues and information gathering.
7. I also spend a considerable amount of personal time visiting, recreating, and enjoying southern Utah with my family and friends, including the regions surrounding the proposed Coal Hollow mine site and the town of Panguitch.
8. I enjoy visiting, sightseeing, hiking, and photography on the lands within and surrounding the proposed Coal Hollow mine site and Panguitch.
9. In February 2007 I visited and enjoyed the particular lands within and surrounding the proposed Coal Hollow mine site.
10. During my February 2007 visit I also drove my truck on State Route 136 which bisects a part of the Coal Hollow permit area.
11. I enjoyed my drive along State Route 136 from the town of Alton to the Glendale Bench Road and over to the Skutumpah Road.
12. I enjoy the open and spectacular scenery in this area, especially the views of the Paunsaugunt Plateau from the proposed Coal Hollow mine site.
13. I enjoy stargazing and viewing the clear night skies within this region, including from Bryce Canyon National Park, and from the immediate area surrounding the proposed Coal Hollow mine site.
14. I enjoy the clean, fresh air within and surrounding the proposed Coal Hollow mine site.
15. I enjoy viewing the wildlife within and surrounding the proposed Coal Hollow mine site, including mule deer, red tailed hawks, and coyote, and I enjoy the potential to see sage grouse, bobcats, cougars, and golden eagles, among other wildlife in the immediate area.
16. I enjoy viewing and appreciating cultural resources, including pottery sherds, manos and metates, pit houses, as well as arrowheads and other lithic scatter that are abundant in the region surrounding the proposed Coal Hollow mine site and potentially present on the lands within the mine site.

17. I take great pleasure in photographing scenery, including within and surrounding the proposed Coal Hollow mine site.
18. Attached to this Declaration are photographs I took on my trip to the proposed Coal Hollow mine site in 2007.
19. Attached to this Declaration is a map of the areas I have visited within and surrounding the proposed Coal Hollow mine site, as depicted by the orange highlighting.
20. I take great pleasure from my visits to the lands within and surrounding the proposed Coal Hollow mine site and intend to return as often as possible, and certainly within the next year.
21. If inadequately regulated mining were to occur at Coal Hollow, my recreational and aesthetic enjoyment of these lands and the region would be directly affected and irreparably harmed.
22. The sights, noises, and dust that would accompany the construction and operation of the proposed mine would directly impair my opportunities for wildlife viewing, and sightseeing, including impacting my views of the Paunsaugunt Plateau and surrounding region from the proposed Coal Hollow mine site.
23. The construction and operation of the proposed mine, the use of construction and maintenance equipment, the construction and use of access routes, and the accompanying vehicular traffic would appear in my photographs, impairing my pictures and memories.
24. The dust and pollution created from the mine itself, as well as from the construction and maintenance equipment, and other vehicular traffic will ruin the clean air within and surrounding the mine site and impact my ability to enjoy the clear night skies.
25. The mine operation and associated construction also has the potential to destroy some of the cultural resources that I appreciate and take great interest in, including pottery, pit houses, tools, and lithic scatter in the area.
26. I have visited and enjoyed the town of Panguitch countless times with my friends and family, most recently in January 2010.
27. I enjoy visiting Panguitch multiple times a year to eat and shop in the town's quaint and appealing restaurants and establishments.
28. I appreciate Panguitch's historic district, frontier feel, and rural setting.
29. I also enjoy recreating, hiking, and camping on the lands surrounding Panguitch.

30. I take great pleasure from my visits to Panguitch and intend to return as often as possible, including several times within the next year.

31. If mining were to occur at Coal Hollow, the accompanying truck traffic would directly affect and irreparably harm my recreational and aesthetic enjoyment of Panguitch and the surrounding area.

32. The steady stream of noisy and polluting coal trucks would harm my enjoyment of Panguitch's restaurants and shops, and impact the town's frontier feel.

Pursuant to Utah Code § 78B-5-705, I declare under penalty of perjury, that the foregoing is true and correct.

Signed on this 16 day of March, 2010, in Salt Lake City, Utah.

A handwritten signature in black ink, appearing to be 'Ray Bloxham', written over a horizontal line.

Ray Bloxham

Bloxham Declaration Map

